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SUBJECT: ROMANIAN PARLIAMENTARY ELECTIONS: THE MORNING  
AFTER THE MORNING AFTER

REF: BUCHAREST 919 AND PREVIOUS

Classified By: Ambassador Nicholas Taubman for 1.5 (b) and (d)

¶1. (SBU) The Central Election Bureau (BEC) has yet to release the final official results from the November 30 parliamentary elections pending formal receipt of the official results from four counties. However, the BEC on December 2 released a "final but still unofficial" set of results (which includes data received by phone or other "unofficial" means) for 100 percent of precincts. Overall turnout was 39.2 percent.

Senate:

PSD/PC	33.09 percent
PDL	32.36
PNL	18.57
UDMR	6.17

Chamber of Deputies:

PSD/PC	34.16
PDL	33.57
PNL	18.74
UDMR	6.39

Who Won, Who Lost? Who Knows?

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¶2. (C) Under Romania's complicated new "uninominal" electoral rules, however, the raw election scores are only the first stage in determining the winners and losers. The new rules comprise a confusing mixture of first-past-the-post and proportional elements, and only candidates receiving more than fifty percent of votes cast in a particular race can be assured that they have won their seats outright. The reapportionment process includes the following steps:

--Electoral authorities tally the vote totals for all parties and candidates;

--Only parties receiving more than 5 percent or more of all valid votes cast nationwide become eligible for reapportionment. (e.g., PDL, PSD/PC, PNL, and UDMR)

--Candidates receiving more than 50 percent in each race win their seats outright; their names and seats are removed from the reapportionment process, but ballots cast for them go into the overall pool of votes for each party.

--Reapportionment can take place at two levels; county and national levels. Votes are initially tallied for each party at the county level, and on the basis of an electoral coefficient (defined as the overall number of votes cast divided by the number of seats for the constituency), the electoral authorities will determine how many remaining mandates can go to each of the four parties.

--Rank-order lists are compiled for each county with candidates ranked in descending order according to the number of votes they received;

--Available seats are allocated to candidates on this list until either the lists of candidates or seats are exhausted;

--If all mandates have not been allocated at the county level, remaining seats will be allocated according to a second-round national reallocation exercise, with a rank order list of all remaining candidates matched up against any remaining seats until all the seats are allocated.

--Thus, we currently have reapportionment exercises taking place initially in 43 constituencies--42 counties and the Bucharest metropolitan region, plus one additional constituency for overseas voters. This can be followed by a national-level reapportionment exercise if any mandates are left over from the first stage of the exercise.

#### Winners and Losers

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13. (C) While the individual second-round winners have yet to be announced, all parties have tried to spin the election results as a victory. The PD-L has boasted that it has doubled its score and the number of parliamentary seats since the 2004 election. It has also jumped the gun on the reapportionment exercise, with PDL Vice Chairman Adrian Videanu claiming that the party's own computerized simulations indicate that the PD-L will come out ahead in the total number of parliamentary seats after the process is over. For its part, the PSD has claimed that its lead in the popular vote--even if it is just a fraction of one percent--gives it the "mandate" to govern. Many PSD leaders--Geoana, Mitrea, Ponta--can also boast winning their mandates outright by securing a majority of votes in their respective districts. PC leaders see the disappearance of other rival small parties as vindication of their strategy to ally themselves closely with the PSD in this election. The PNL for its part has boasted that it remains the indispensable "king-maker" in Romanian politics, and has moved to shore up this role by offering to link up with the UDMR in order to strengthen their collective hand in negotiating a role in the next government.

14. (C) The losers are more readily apparent, including the right-extremist PRM and PNG, who have failed to meet the 5 percent threshold for parliamentary representation. PNG founder Gigi Becali faced the ignominy of losing decisively in a district where he had spent euros 450,000 of his own money to win voters by paying their overdue electricity bills. Similarly, PRM founder Corneliu Vadim Tudor has charged that his party was the victim of massive electoral fraud. Also noteworthy was the relatively poor performance of many high-level PNL leaders including Prime Minister Tariceanu, Chamber of Deputies President Bogdan Olteanu, and Transportation Minister Ludovic Orban--who came in second place (or in Olteanu's case, third place) in their respective constituencies. Rumors were flying earlier today that Tariceanu might not make the cut for his parliamentary seat, but a PNL spokesman has provided assurances that Tariceanu, Orban, and Olteanu would emerge as winners after the reapportionment exercise.

15. (C) Some other high-profile casualties appear to include former PSD Senate Vice President Doru Taracila; PSD Senator Adrian Paunescu, PSD Executive Secretary Ana Birchall, and former PSD Senator Marius Marinescu. Senior PNL leaders in jeopardy include PNL Vice President Norica Nicolai, former Labor Minister Paul Pacurar, Justice Minister Marian Predoiu, Labor Minister Mariana Campeanu, and Small and Medium Enterprise Minister Ovidiu Silaghi. Others who may fail to make the cut are former PDL Labor Minister Gheorghe Barbu and UDMR Senator Peter Eckstein-Kovacs.

#### Was Fraud Decisive?

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16. (C) A variety of Embassy contacts predicted prior to the election that electoral irregularities could be widespread this year. Former Justice State Secretary Laura Stefan noted

that lack of follow-up on election fraud in the May 2008 local elections might embolden politicians to stretch the envelope this time. Similarly, PNL Deputy George Scutaru predicted that parliamentary immunity might be a particularly attractive asset for individuals facing indictment for corruption or other charges. The Pro-Democracy Association (APD) pulled out of its traditional election monitoring role at the last minute, citing new restrictions on the activities of election monitors. (Note: In the end, APD sent 80 roving "emergency teams" comprised of volunteers and journalists to monitor egregious fraud "hot spots." They normally field 3000-plus monitors on election day.)

¶17. (C) Subsequent to the election, APD Executive Director Ana-Maria Mosneagu told Polcouns that fraud this year appeared better organized and systematic compared to previous elections--local party bosses had lists of voters targeted for bribes and other emoluments, and they chartered buses and other transportation to bring voters to polling stations on election day, with voters being offered bribes en route, out of earshot of observers. She speculated that fraud potentially had a larger impact this year because of the smaller voter turnout and the close margins (e.g., less than one percent between the PSD and PDL). However, her assessment was that all of the major parties--PSD, PDL, PNL--were involved in vote buying and other dubious behaviors and that the "best case" scenario was that their nefarious efforts canceled each other out in the end. She concluded, "our elections were free maybe, but certainly not fair."

¶18. (C) Also significant was the large number of invalid ballots. According to BEC statistics, one out of five votes cast was spoiled, blank, or otherwise invalidated. There were some 172,884 spoiled ballots and 176,217 blank ballots cast out of a total of 7,238,871 votes for the Senate and 210,994 invalid votes and 139,139 blank ballots out of 7,238,871 votes cast for Chamber of Deputies candidates. Our contacts have been mixed on this issue; some have imputed sinister motives behind the high level of invalid ballots; others see this as nothing more than voter unhappiness with the choices they were given. Other concerns raised by contacts include significant discrepancies between exit poll results and final vote tallies. Given the lack of observers this year, however, it will be hard to make these allegations stick.

What Comes Next?

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¶19. (C) As noted, the reallocation process is still taking place, and no serious inter-party negotiations are likely until it is clear who have made their respective teams. The PSD continues to insist that they have won the elections and should get to name the next Prime Minister. There appears to be wrangling, however, within PSD ranks over negotiating strategy, and it was significant that PSD emeritus President Ion Iliescu contradicted PSD President just minutes after Geoana's post-election "victory" speech by remarking that the results were reminiscent of the PSD's 2004 election loss and that "you can't put a government together with just 40 percent." Geoana has hinted at the need to emulate the German example by forming a national-unity government comprised of all major parties.

¶10. (C) Aside from shoring up its links with the UDMR, the PNL has indicated that they are willing to entertain an alliance with any partner that accepts Prime Minister Tariceanu's "anti-Crisis" economic program (and is amenable to retaining Tariceanu as well). Tariceanu in an interview yesterday extended an olive branch to President Basescu by remarking that "I am convinced that the President loves our country as much as I do and I was very happy to see that in this past period he underlined the positive elements of our strategy for the economy and the creation of new jobs."

¶11. (C) For its part, the PDL has indicated that their first choice is a center-right coalition with the PNL, but PDL Chairman Boc has reiterated that "all options" are open to

the party. Ultimately, President Basescu has several high cards to play, as he is the one empowered by the constitution to nominate the next Prime Minister. A senior Cotroceni contact told us prior to the election (reftel) that the Basescu camp would likely stick to their strategy unless their party fell behind the PSD by more than 5 percentage points. Basescu now controls the pace and timing of the next steps, and he has underscored that he will move at deliberate speed, announcing that he will wait until after the official election results are declared, and until after the December 12 expiry of the outgoing Parliament's mandate. Finally, Basescu's opponents appear to have their hands tied as they have publicly eschewed the drastic step of suspending the President (as they did in early 2007) in order to have an acting President nominate a Prime Minister from their ranks. One Embassy contact--former Justice State Secretary Stefan--noted that Basescu could even trump even this card if his opponents dared: "If they suspend Basescu, he'd simply resign and call for double elections for both the parliament and the Presidency."

TAUBMAN